

RESIDENTS' RIGHTS: AN OVERVIEW

Consumer Fact Sheet No. 2

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Residents' Rights are guaranteed by the federal 1987 Nursing Home Reform Law. The law requires nursing homes to "*promote and protect the rights of each resident*" and places a strong emphasis on individual dignity and self-determination. Nursing homes must meet federal residents' rights requirements if they participate in Medicare or Medicaid. Some states have residents' rights in state law or regulation for nursing homes, licensed assisted living, adult care homes, and other board and care facilities. A person living in a long-term care facility maintains the same rights as an individual in the larger community.

Residents' Rights Guarantee Quality of Life

The 1987 Nursing Home Reform Law requires each nursing home to care for its residents in a manner that promotes and enhances the quality of life of each resident, ensuring *dignity, choice, and self-determination*.

All nursing homes are required "to provide services and activities to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident in accordance with a written plan of care that... is initially prepared, with participation, to the extent practicable, of the resident, the resident's family, or legal representative." *This means a resident should not decline in health or well-being as a result of the way a nursing facility provides care.*

The 1987 Nursing Home Reform Law protects the following rights of nursing home residents:

The Right to Be Fully Informed of

- Available services and the charges for each service
- Facility rules and regulations, including a written copy of resident rights
- Address and telephone number of the State Ombudsman and state survey agency
- State survey reports and the nursing home's plan of correction
- Advance plans of a change in rooms or roommates
- Assistance if a sensory impairment exists
- Residents have a right to receive information in a language they understand (*Spanish, Braille, etc.*)

Right to Complain

- Present grievances to staff or any other person, without fear of reprisal and with prompt efforts by the facility to resolve those grievances
- To complain to the ombudsman program
- To file a complaint with the state survey and certification agency

Right to Participate in One's Own Care

- Receive adequate and appropriate care
- Be informed of all changes in medical condition
- Participate in their own assessment, care-planning, treatment, and discharge
- Refuse medication and treatment
- Refuse chemical and physical restraints
- Review one's medical record
- Be free from charge for services covered by Medicaid or Medicare

Right to Privacy and Confidentiality

- Private and unrestricted communication with any person of their choice
- During treatment and care of one's personal needs
- Regarding medical, personal, or financial affairs

Rights During Transfers and Discharges

- Remain in the nursing facility unless a transfer or discharge:
 - (a) is necessary to meet the resident's welfare;
 - (b) is appropriate because the resident's health has improved and s/he no longer requires nursing home care;
 - (c) is needed to protect the health and safety of other residents or staff;
 - (d) is required because the resident has failed, after reasonable notice, to pay the facility charge for an item or service provided at the resident's request
- Receive thirty-day notice of transfer or discharge which includes the reason, effective date, location to which the resident is transferred or discharged, the right to appeal, and the name, address, and telephone number of the state long-term care ombudsman
- Safe transfer or discharge through sufficient preparation by the nursing home

Right to Dignity, Respect, and Freedom

- To be treated with consideration, respect, and dignity
- To be free from mental and physical abuse, corporal punishment, involuntary seclusion, and physical and chemical restraints
- To self-determination
- Security of possessions

Right to Visits

- By a resident's personal physician and representatives from the state survey agency and ombudsman programs
- By relatives, friends, and others of the residents' choosing
- By organizations or individuals providing health, social, legal, or other services
- Residents have the right to refuse visitors

Right to Make Independent Choices

- Make personal decisions, such as what to wear and how to spend free time
- Reasonable accommodation of one's needs and preferences
- Choose a physician
- Participate in community activities, both inside and outside the nursing home
- Organize and participate in a Resident Council
- Manage one's own financial affairs

Advocates for Residents Rights

Where do you go for help if you're concerned a facility is not guaranteeing the rights of residents? Contact your local or state long-term care ombudsman or, if one exists, your state's citizen advocacy group. The Long-Term Care Ombudsman Program is required by federal law to promote and protect the rights of residents in licensed long-term care facilities. The National Citizens' Coalition for Nursing Home Reform (NCCNHR) can help you locate advocates and ombudsmen in your area. Visit our website: <http://www.nursinghomeaction.org> to view a map listing ombudsmen and citizen advocacy groups nationwide.

More fact sheets and publications on how to get good care in nursing homes are available by calling NCCNHR at 202.332.2275 or visiting our website at www.nursinghomeaction.org

Nursing Homes: Getting Good Care There,
\$11.95

A Consumer Guide to Choosing a Nursing Home:
Fact Sheet #1

Restraints: Fact Sheet #6

Access and Visitation: Fact Sheet #8

Involuntary Transfer and Discharge:
Fact Sheet #9

NCCNHR is a national non-profit membership organization founded in 1975 by Elma Holder to protect the rights, safety, and dignity of America's long-term care residents.